

# Meeting Minutes

## March 17, 2005

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, March 17, 2005 6:00 P.M.

Bullis School Multi-Purpose Room, 25890 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Acting City Engineer/Public Works Director Dave Ross, Senior Planner Debbie Pedro, Project Planner Leslie Hopper and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to three minutes.

Mayor O'Malley noted that the meeting agenda would be reordered and Council appointments would precede the Community Process for Reconciliation presentation.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Presentation on the Community Process for Reconciliation (CPR) - Ron Lave, Los Altos Community Foundation

Roy Lave, Los Altos Community Foundation Chair, addressed Council. Council had before them a copy of the "Presentation of CPR Work to Date by the Community Process for Reconciliation (CPR) to Town of Los Altos Hills, March 17, 2005." Lave explained that the PowerPoint presentation would include the background and reasons for the Los Altos Community Foundation's involvement; the process; and the output of the process, the report before Council, that Lave deemed equivalent to a "staff report."

Lave reviewed the list of CPR participants and their group affiliations. He offered that they had met eleven (11) times under the guidance of facilitator Dr. Geoffry Ball. Members of the forum included stakeholders in the "Bullis dispute." Lave reviewed the involvement of the Los Altos Community Foundation in the process and their mission statement that focuses on local community-building projects and their efforts to promote positive relationships among community members and efforts to resolve community conflicts.

The presentation included the CPR's ground rules, criteria for selecting a process, working principles and the vision statement. Lave reviewed the "helps and hindrances" that could impact a resolution to the dispute.

Lave noted the six options the forum had studied. For each option, the CPR had defined the pros and cons and what mitigations would help to bring the option to resolution. Mitigations for each option included the financial implications, community issues and "everything else".

Lave reviewed with Council the possible next steps in the process that could include a report to the community and the implementation of a method to build trust between the communities and stakeholders in the dispute. He noted that the CPR was asking the two schools to acknowledge their work and to report to their constituents.

Mayor O'Malley, on behalf of the Council and the Town, thanked Roy Lave and the Committee for their efforts. O'Malley asked if the CPR had any plans to distill the options to a smaller, more manageable number. Lave responded that this had been their intent but they had been limited by time constraints. He hoped this would be addressed in the near future.

Councilmember Jones questioned if the option of redistricting had been evaluated by the Committee. Lave offered that it had been minimally reviewed but not considered as an option and he would suggest it when the CPR reconvenes their meetings.

Council thanked Lave for the wealth of information and the work the Community Process for Reconciliation had done to assist in resolving the dispute.

## 2.2 Request for Support of Application to Congressional Page Program-Laura Ryan

Council had before them a proposed resolution prepared by Laura Ryan, Los Altos Hills resident. Ms. Ryan addressed the Council. She explained that she was seeking Council support for her application to serve as a Congressional Page to the United States Congress. Ryan noted that she had a keen interest in American politics and aspirations of future service as a United States Senator. Ryan is currently a sophomore at Los Altos High School.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the resolution supporting the nomination of Laura Ryan as representative from our community to the Congressional Page Program. Resolution No. 20-05

## 2.3 Appointment to the Open Space Committee

Council had before them a Community Service Application from resident Karen Lemes seeking appointment to the Open Space Committee. Lemes addressed Council and voiced her interest in serving on the Committee and expressed her goal in working with the Town and community to reduce the use of pesticides (herbicides) for weed abatement.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to appoint Karen Lemes to the Open Space Committee for a term of four (4) years.

#### 2.4 Appointment(s) to the Environmental Initiatives Committee

Council had before them applications from Harry Emerzian, Nancy Fouquet, Jay A. Shideler and Walt Wilson.

Harry Emerzian and Nancy Fouquet were unable to attend the meeting.

Jay A. Shideler introduced himself to Council. He presented a brief background of his interest in conservation and his successful efforts to build his ground mounted solar system for his residence.

Council thanked Shideler for volunteering to serve on the newly established Environmental Initiatives Committee.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to appoint Harry Emerzian, Nancy Fouquet and Jay A. Shideler to the Environmental Initiatives Committee for terms of four (4) years.

Walt Wilson, applicant, addressed Council. Wilson explained that when he built his new residence in Los Altos Hills, energy savings was not an integrated component. He would like to assist the Committee in creating a positive environment for conservation measures.

Council thanked Wilson for volunteering to serve on the Committee.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to appoint Walt Wilson to the Environmental Initiatives Committee for a term of four (4) years.

### 3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission at their last meeting had reviewed and approved site development requests for two new single family residences.

### 4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to approve the Consent Calendar, specifically:

4.1 Approval of Minutes: Regular City Council Meeting March 3, 2005

4.2 Review of Disbursements: 02/21/2005 – 03/10/2005 \$766,623.74

- 4.3 Notification of Planning Commission Approval: Lands of Sindhu and Bertrand, 27060 Old Trace lane (175-04-ZP-SD); A request for a Site Development Permit for a 6,880 square foot tennis court
- 4.4 Notification of Fast Track Approval: Lands of Zhu and Xu, 24910 La Loma Court (206-04-ZP-SD-GD); A Request for a Site Development Permit for a new 4,762 square foot two story residence (maximum vertical height 25' 8")
- 4.5 Approval of Conditional Use Permit Amendment and Review for Existing Wireless Communications Facility; AT&T Wireless Services, Inc. (AWS); Purissima Road, Little League Fields (Town of Los Altos Hills); File #194-04-CUP (continued from 3/3/05)
- 4.6 Adoption of Town-Sponsored Retirement for Elected Officials and Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act and Fixing Employer Contribution – Resolutions #21-05 and 22-05
- 4.7 Resolution Approving Award of Audio Visual Equipment Bid for New Town Hall – Resolution #23-05
- 4.8 Resolution Approving Change Order Costs for the New Town Hall Pursuant to March 9, 2005 Budget Update – Resolution #24-05
- 4.9 Resolution Approving Purchase of New Phone System for Town Hall Offices Resolution #25-05
- 4.10 Resolution Approving Payment of Invoice for Data Cabling Design Pursuant to March 9, 2005 Budget Update – Resolution #26-05

## 5. UNFINISHED BUSINESS

### 5.1 Town Goals

#### 5.1.1 Complete Town Hall On Time and On Budget

##### 5.1.1a TBI Update

Tony Vierra, TBI Construction, provided Council with a summary report on the project status. He noted that the interior work was progressing; a final date for the utility installation had not been set as of tonight's meeting; and the meeting between the audio-visual vendor and electrician had been very good and he was encouraged with the outcome.

#### 5.1.2 Identify and Fund Underground Project

Acting City Engineer Dave Ross reported that he had presented the draft alignment plans for the two projects undergrounding projects to the utilities companies and they had been received favorably. Ross explained that the proposed plan called for trenching in the shoulder of the road which would be more economical.

### 5.1.3 Complete Master Pathway Map

Mayor O'Malley reported that this Town goal had been successfully completed with the adoption of the revised Master Path Plan on March 8, 2005.

### 5.2 Adoption of Mid-Year Budget Adjustments – Resolution #27-05 (continued from 3/3/05)

Administrative Services Director Sarah Joiner introduced this item to Council. She reported that the mid-year budget adjustments were attributable in large part to the strategies under consideration when the fiscal year 2004-2005 budget was adopted in June, 2004.

Joiner explained that the new Town Hall project accounted for a substantial amount of the adjustments. The original budget for the project was \$4.2 million. The revised budget for the items included in that original budget was \$4.45 million, an increase of \$250,000 or six percent (6%). Enhancements to the project, such as expanded audio-visual equipment and landscaping, which were not included in the \$4.2 million budget, account for additional expenditures of \$616,644. This amount was offset by various funding sources, including the California Energy Commission loan, Packard Foundation grant, energy rebates and the Comcast grant. There would also be transfers from the Street and Storm Drain Capital Improvement Funds in the amount of \$80,000 for street and drainage improvements.

Joiner noted that other adjustments included: legal fees which were expected to increase by \$156,000 due to ongoing and escalating litigations; the roadway impact fee enacted in October, 2004 was expected to generate \$150,000 during the current year; the lease for the new Town Hall project provided \$2 million; and the VLF Gap Loan financing provided \$124,148.

Joiner reported that the projected increase in the General Fund balance of \$1.37 million was due in large part to one-time, non-recurring funding sources, such as the lease, energy loans and grants. She explained that beginning in fiscal year 2005-2006, there would be a need to budget for lease and loan payments.

Joiner advised the Council that there were three areas of concern for potential landslides – Page Mill Road, Natoma Road and Elena Road. The State's deficit problems were addressed in the original budget for fiscal year 2004-2005. She did not expect any further loss of revenue from the State for the current fiscal year, but it would be addressed again in the fiscal year 2005-2006 budget.

Council reviewed the staff report and fiscal spread sheets with Joiner. They thanked her for her excellent report.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Warshawsky and passed unanimously to adopt Resolution 27-05 approving the budget changes for Fiscal Year 2004-2005.

### 5.3 Request for Authorization for the Design of Segment 1 of the Town of

Los Altos Hills Draft Moody Road/El Monte Road Corridor Transportation  
Master Plan – Resolution #28-05

Acting City Engineer Dave Ross introduced this item to Council. He explained that the request before Council was to begin design work on Segment 1 of the Corridor project which would include a standard path and bike accommodation from Rhus Ridge Road to Elena Road. The proposed expenditure had been included in the Draft Moody Road/El Monte Road Corridor Transportation Master Plan that had been presented to Council previously. Ross noted that staff would return to Council for approval of additional expenditures for the project construction. He anticipated having information on VTA funding at that time.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Kerr and passed unanimously to adopt Resolution #28-05 authorizing the design of Segment 1 of the Draft Los Altos Hills Moody Road/El Monte Road Corridor Master Plan with a not to exceed amount of \$20,000.

5.4 Approval of an Agreement with Cotton, Shires and Associates, Inc. for  
Geotechnical Investigation of Pavement Distress on Elena Road Resolution  
#29-05

Acting City Engineer Dave Ross addressed Council and explained that the request before Council was for geotechnical investigation of pavement distress at Elena Road. Cotton, Shires and Associates, the Town's Geologists, had performed an initial site inspection of the distressed area and had recommended the installation of two monitoring devices to assist them with the investigation and valuation of the segment.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Warshawsky and passed unanimously to approve Resolution #29-05 to authorize execution of an agreement between the Town and Cotton, Shires and Associates for geotechnical investigation of pavement distress on Elena Road with a not to exceed amount of \$10,000.

6. NEW BUSINESS

6.1 Request for Consideration of Annexation – Rich Larsen, West Loyola

Rich Larsen, Berkshire Drive, (unincorporated area within the Town's Sphere of Influence) addressed Council. Council had before them a report that Larsen had prepared titled "W. Loyola Neighborhood Annexation Briefing" dated March 17, 2005. Larsen explained that he was seeking support for annexation of sixty-two (62) parcels. He reviewed his report with Council and claimed he had garnered support of the Local Agency Formation Commission (LAFCO) for the annexation, a commitment by Santa Clara County to improve the infrastructure in the area prior to the annexation and added that he believed there would be a positive resolution by the City of Los Altos to the issue of sewer capacity rights for Los Altos Hills residents.

Council thanked Larsen. Following discussion, Council consensus was to revisit the annexation request after the sewer agreement between the Town and the City of Los

Altos was finalized. Concurrent to the resolution of the agreement, staff was directed to develop a comprehensive annexation policy that would be applicable to this and all future annexations. The timeline for the development of the policy was approximately two to three months.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Pro Tem Kerr advised Council that he and Councilmember Jones were participating in an Ad Hoc effort to review playing field requirements within the City of Los Altos and Los Altos Hills. He requested that his report be agendaized for discussion at the May 3, 2005 Los Altos Hills and Los Altos Special City Council meeting.

Councilmember Mordo reported that he had attended the Community Relations Committee's regular meeting. They had reviewed the plans for the annual Town Picnic.

Councilmember Mordo reported that the Supporters of Westwind had received some neighbor opposition of their proposed community room. The Supporters would appreciate direction from Council.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Bullis Charter School Site – Mayor O'Malley

Chris Vargas, Templeton Place, explained that he was before Council seeking a Council liaison to the Bullis Charter School Site Committee to assist them in exploring alternatives to the Little League fields for the School. Mayor O'Malley volunteered to serve as the Council representative to the Committee.

10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, stated that he had some good news to report to Council. The Hansen Quarry (formerly Kaiser Permanente) visible to many Los Altos Hills residents, had agreed, after considerable community pressure, to cease dumping of excess quarry rock on the ridgeline by this summer and will begin contour revegetation of the area.

Chris Vargas, Templeton Place, Pathways Committee Chair, thanked the Council for the successful public hearing on the Master Path Plan update that was conducted last week.

Vargas offered that the many hours that had been invested in the map study, revision and recommendations by the Pathways Committee had been a key element in the positive public hearing. He suggested that Council consider a special recognition of the membership for their efforts.

## 11. PUBLIC HEARINGS

### 11.1 Site Development Permit and Review of Initial Study and Negative Declaration for the La Cresta Sewer Main Extension, Maintenance Access Road and Bridge Project; Lands of Mad Manor II, LLC (Ruth B. Morrison), 27641 Purissima Road, File #95-03-ZP-SD-GD-IS-ND

Planning Director Carl Cahill noted that the project had been reviewed by the Planning Commission and they had recommended approval of the project subject to the attached conditions of approval. Cahill introduced contract Planner Leslie Hopper, project planner and author of the staff report that Council had before them.

Hopper explained that the project was primarily an engineering project. The 10.82 acre project parcel was located on Purissima Road with an existing lift station at the intersection of Purissima and Elena and an existing forced main on the south boundary of the property. Hopper reviewed an aerial of the property with Council that identified the proposed maintenance road, bridge and sewer gravity line that would service homes on La Cresta.

Hopper noted that because the proposed bridge crossed Deer Creek and there was a potential for environmental consequences, the Town had engaged the services of an outside environmental consultant to prepare an initial study in compliance with the California Environmental Quality Act (CEQA). A copy of the initial study and the list of mitigation measures that had been identified by the consultant were included in the staff report before Council.

Hopper advised that the Planning Commission had reviewed the environmental documents and found them to be accurate and satisfactory and recommended adoption of the Mitigated Negative Declaration. They had also recommended approval of the project subject to the conditions of approval listed in the staff report finding the bridge, maintenance road, and sewer extension were consistent with the General Plan and all applicable code requirements

O'Malley requested clarification of the Planning Commission 3-1 (1 absentee) vote. Hopper explained that Commissioner Collins had concerns with the size of the bridge abutments. Planning Director Cahill noted that the proposed bridge abutments are larger than would be required for a project this size and staff believed that they were designed for possible future development of the property. Cahill explained the project's condition of approval #5 that stated the Town "may require" the removal of the existing driveway bridge when the new bridge is installed.

Council reviewed with staff the sewer line configuration that would enable the use of the lift station by the La Cresta residents. Cahill noted that the project was being privately funded and the public (residents) were the beneficiaries with the ability to abandon their



septic systems and hook-up to sewers.

#### OPENED PUBLIC HEARING

Bruce Askari, 27830 Elena Road, applicant, addressed Council. He provided a summary of the history of the proposed project and the existing lift station. Askari offered that the proposal would permit the property owners who had granted sanitary sewer easements for the lift station the ability to hook-up to sewer. The proposed maintenance road would provide critical access to service the sewer trunks and release valves.

Askari thanked staff for their assistance with the project and noted that everyone had been very supportive. He added that the owner of the property was requesting a deletion of Condition of Approval #5. Ms. Morrison believed that this could be a deterrent to negotiations if she tried to subdivide or sell her land.

Dorothy Price, Anacapa Drive, expressed her concern that additional homes would be added to the sewer line that was connected to the manhole near her residence. She cited the recent problems they have had with odors that permeate their home.

John Harpootlian, Anacapa Drive, explained that it was his opinion that the six (6) inch sewer line that was serving this area was antiquated and should be replaced if additional homes were going to be added.

#### CLOSED PUBLIC HEARING

Acting City Engineer Dave Ross explained that it was his opinion that the odor that had been described by residents Price and Hapootlian, was partially caused by illegal dumping of grease in the manhole. Ross added that he had made a notation of the six (6) inch line and it would be added to the Town's sewer lines that were scheduled to be televised and reviewed. He believed the line would support the capacity change with the addition of new homes and explained that the more sewer and water that runs through the line, the more the system functions efficiently. Ross noted that the short-term resolution to the problem was to clean the line and seal the manhole to prevent any further dumping. He believed the long-term solution was to initiate a program that would provide credit to waste haulers for using the treatment plant.

In response to Council questions on the request to delete Condition of Approval #5, Planning Director Cahill explained that the applicant had agreed to the condition at the Planning Commission review. He noted that it was an advisory condition for any future subdivider of the parcel and added that because of the public good served by the project, the Town was permitting certain subdivision improvements prior to actually seeing a subdivision plan.

Council discussion ensued regarding the applicant's request to delete Condition of Approval #5 and concurred that meeting minutes would reflect that the Town had reserved the right when a subdivision was submitted to require the removal of the north driveway bridge.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Warshawsky and passed by the following roll call vote to adopt the Mitigated Negative Declaration

and the Mitigation Monitoring Program and approve the Site Development Permit subject to the Conditions of Approval as identified in Attachment 1 of the staff report dated March 17, 2005 with the deletion of Condition of Approval #5.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,  
Councilmember Mordo and Councilmember Warshawsky  
NOES: None  
ABSENT: None  
ABSTAIN: None

11.2 Negative Declaration and Tentative Map for a Subdivision: Lands of JFLP Partnership, 27631 Altamont Road. File #200-04-IS-ND-TM-GD

Councilmember Warshawsky recused himself from consideration of this item due to the potential conflict of interest created by the proximity of his residence to the project.

Planner Leslie Hooper introduced this item to Council. Council had before them a staff report and map of the proposed subdivision. Hooper presented a PowerPoint presentation. She reviewed the proposal, the dedication of a conservation easement, and the subdivision improvements that included a sewer line extension that would provide sewer to both parcels. Hooper explained that the project had required an environmental review and the initial study had identified several environmental impacts that were addressed through mitigation measures. The study and mitigation measures were included in the Council packet. The Planning Commission had made several amendments to the conditions of approval and mitigation measures and recommended approval of the Mitigated Negative Declaration, Mitigation Monitoring Program and proposed Tentative Map subject to the conditions of approval attached to the staff report before Council.

OPENED PUBLIC HEARING

Jerry Schoening, applicant, offered that he was available to answer any questions Council might have regarding the project. Schoening explained that he was looking forward to building a residence on Parcel A.

John Harpootlian, Anacapa Drive, questioned whether there was an appropriate lot unit factor for Parcel B.

Planning Director Cahill noted that the lot unit factor was 1.022.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Tentative Map subject to the conditions of approval in Attachment 1 of the staff report dated March 17, 2005. (Councilmember Warshawsky recused himself and did not participate in the vote)

### 11.3 Appeal of Denial of Site Development Permit for a New Two-Story Residence with Basement; Lands of Alon; 27673 Lupine Road; File #247-03-ZP-SD-GD

Councilmember Mordo stepped down from consideration of this item. He recused himself at the advice of the City Attorney and explained that he had participated in discussion of the project at the Planning Commission hearing.

Planning Director Carl Cahill introduced this item to Council. He provided Council with a brief historical summary of the project. Cahill explained that initially the project was scheduled for a fast track hearing based on the criteria set forth in the Municipal Code. Subsequent to the hearing, staff received comments from neighbors that they were opposed to the project based on the height, size and visibility of the proposed new residence. The neighborhood objections were deemed substantive and the project was forwarded to the Planning Commission for review. The Planning Commission reviewed the project twice. At the July 22, 2004 hearing, the Commission determined that the lot constituted a highly visible lot and directed the applicant to lower the profile of the house by ten (10) feet. On January 27, 2005 the Planning Commission reviewed the revised plans for the project that included a reconfigured driveway and swimming pool. Cahill noted that the applicant lowered the profile of the house by three (3) to five (5) feet. The Planning Commission deemed that the revised plan did not comply with their direction to lower the profile of the house by ten (10) feet and that the newly proposed driveway and pool were not consistent with code requirements.

Leslie Hopper, Project Planner, introduced Senior Planner Debbie Pedro to Council and thanked Pedro for her assistance in developing the presentation and noted that Pedro would be assisting her with the PowerPoint presentation that would accompany her report.

The PowerPoint presentation included: an aerial of the project site in context with the Lupine Road neighborhood with property boundaries, property owners and residence locations identified; a three dimensional color rendering of the proposed house that reflected the building materials chosen for the residence; the original July 2004 plans on a site plan; the revised January 2005 plans on a site plan; a January 2005 revised plan with the lowered areas of the house highlighted to reflect which were lowered by three (3) feet and five (5) feet; a comparison of the elevations of the overall height of the residence original plans -July 2004 and revised plans-January 2005 (Hopper noted that the reduction in profile was achieved by additional grading); the proposed landscape screening plan as viewed from the Harrison property; a slide of the recommended conditions of approval for Option 1 (Exhibit A) based on the revised plans of January 2005 and Option 2 (Exhibit B) consistent with Planning Commission directives of July 2004; and a photo simulation of the view from the Harrison property.

Planning Director Carl Cahill explained that the architectural features of the proposed home that included the buttresses (columns) and the bay windows had been calculated into the development area for the home. He noted that similar features have not been included in floor area calculations before because they generally comprise very little space, but an exception was made with the Alon proposal due to their contribution to the bulk of the house.

Cahill reviewed the staff recommendation for a green, living roof with Council. The original plan called for a gravel roof that neighbors had suggested appeared too commercial. Staff had proposed a green roof but the applicant had offered that it was too expensive, difficult to maintain and would require additional structural work and had proposed integrated solar panels with synthetic turf background.

## OPENED PUBLIC HEARING

Zvi Alon, applicant, thanked Council and Town staff for the time and effort they had invested in his project. He provided Council with an historical overview of his quest to obtain his site development permit, explaining that it had been an eighteen-month effort that was both difficult and frustrating. Alon offered that when he purchased the property, he had considered remodeling but decided to build a new home and explained that his proposed new residence was only two feet higher in one area than the existing two story home. He added that two story homes exist in the area and he did not consider his lot highly visible since it was not located on a hillside or ridge lot.

Alon distributed a packet to Council titled "Supplement Information for the Alon Home". He reviewed the material with Council that included: 1) a list of Fast Track approvals with homes similar to the Alons in floor area and height highlighted; 2) photographs of houses approved in Fast Track including the surrounding views; 3) photographs of homes on Lupine Road and within the Lupine neighborhood; 4) a color rendering of the proposed Alon house before landscape screening; 5) picture of the existing house on the lot with story poles for the proposed residence; and 6) a landscape screening plan for the residence that included a sketch with the view from the Harrison residence. Alon stated that he was of the opinion that many homes in Los Altos Hills were visible due to the topography of the Town and asked that he be treated fairly and equitably not differently because neighbors have complained. If this became the determination for "highly visible", then every lot that is visible to three or four neighbors should be considered "highly visible".

Alon offered that he had expended many months of effort on his project. He added that the original design had met all of the Town's ordinances and did not include any variance requests. He had not been advised that the lot was considered highly visible until the neighbors objected to his project at the Fast Track hearing with respect to the residence's height, visibility and size. Based on their objections, the project was forwarded to the Planning Commission for a public hearing. Alon noted that it was his belief that the neighbors objected to the architectural style of the home more than the size and he hoped that his landscape screening plan would satisfy their concerns. He added that it was important for Council to understand that his proposed design did not block or inhibit any of his neighbors' views.

Alon summarized for Council his two appearances before the Planning Commission. He believed that the revised design before Council for their consideration (Option A) had met the spirit of the Planning Commission's direction. The new design had the visual affect of lowering the profile of the house and his comprehensive landscape design would substantially screen the home from the neighbors. His closest neighbors to the east and west were supportive of the revised plan. The Planning Commission still denied his request for a Site Development Permit and offered the Alon's no clear direction on what

would be required to obtain approval. Alon acknowledged that at this point he appealed the Planning Commission's decision to the Council.

Alon requested that Council consider approving the original design that was submitted to Fast Track but explained that he would accept approval of Option 1 (Exhibit A), the modified design with the hammerhead driveway design, to ensure that the concerns of his neighbors were addressed. Alon submitted that he would be willing to include a roof that was comprised of synthetic material (grass) and solar panels. He distributed synthetic turf literature to Council and displayed a solar panel.

Alon reviewed Option 2 (Exhibit B) with Council and offered that it would be an undue hardship and added that he had already made substantial modifications to his project plan to address the neighbors concerns noting that his roof was only visible to one neighbor.

Alon discussed the inclusion of the architectural features in the floor area calculations. He noted that similar features on other homes had not been counted. Alon explained that the bay windows did not have any foundation walls beneath them and could never be converted to floor area (distributed a schematic of a window). The columns, in addition to being an architectural function, would shade the house and reduce the heat and glare. Alon added that they could serve to house the air conditioning units but he would be willing to remove the units and accept a condition of approval that they would never be accessible.

He thanked Council for the opportunity to present his project and offered that his landscape architect and the project architect were present and available to answer questions.

8:30 p.m. City Council Meeting Recessed

8:40 p.m. City Council Meeting Reconvened

Mark Harrison, Page Mill Road, thanked everyone that had visited his site. He explained that he resides directly across the street from the Alon property and believed that the proposed structure would be overbearing. Harrison had lived in his home for forty-five (45) years and treasured the rural aspect of the neighborhood. He supported Option 2 (Exhibit B) that would require additional lowering of the height of the house.

Resident, Natoma Road, stated that he supported the Alon project. He expressed his belief that when he purchased his home, he bought the lot not the view adding that views change, trees grow and new homes are built. He urged the City Council to "look at the large picture" and support the initial submittal.

George Haber, 13164 La Cresta, stated that he had experienced similar frustrations when he built his home in Los Altos Hills. He suggested that the Los Altos Hills site development process created animosity between neighbors and encouraged the Council to listen to the neighbors but ultimately to follow the law.

Michele Harrison, Page Mill Road, stated that they are very inclusive neighbors and not unreasonable but that they are very concerned that the building is "in their face." She supported Option 2 (Exhibit B). Harrison requested the Council adhere to the codes.

Mr. Haghighi, Via Felice, thanked the Council for visiting the site. He expressed his belief that the home was very obtrusive and massive and felt that Option 1 (Exhibit A) had not been changed significantly from the original submittal. Haghighi was of the opinion that the landscape screening would not mitigate the project and noted that it was being built at the maximum MDA/MFA allowable for the highly visible site. He offered that the proposal would affect his privacy and property values.

Sigrun Corrigan, Robleda Road, requested clarification on the current height requirement for homes. Planning Director Cahill explained that the height limit was twenty seven (27) feet unless it was a large lot and then the setbacks could be increased and the height limit would be thirty two (32) feet. She questioned if the variable decision process was appropriate in light of the Alon's project meeting all of the codes and development guidelines.

Resident, Via Ventana, questioned why the Alon's neighbors were opposing the project. He supported the project.

Sandy Ayers, Project Landscape Architect, addressed Council. He reviewed the screening plan with them and noted that the design included mature and fast growing evergreen species. Ayers added that he had successfully sourced several very large trees (84 inch boxes) that would be planted to soften the profile of the house.

Jonathan Lee, Lupine Road, commented that he had engaged in many meetings with the Alons and their architect. He explained that he had a view lot and values his view greatly. He opposed the Alon project because he would be looking at a massive house with a commercial looking roof top. He did not oppose them building a new home but preferred the existing ranch house and open space landscape. Lee supported Option 2 (Exhibit B) that would allow him the maximum screening.

Ms. Dayan, Via Ventana, suggested that bigger homes than the Alon's proposal were being constructed throughout Los Altos Hills. She supported the Alon proposal Option 1 (Exhibit A) and believed it was unreasonable to ask them to reduce the height any further.

Brigita Silins, Lupine Road, stated that she had seen many changes to her neighborhood. She compared the Alon design to the Fenwick residence that was similar in architectural design and was built on a highly visible ridge and questioned how the Alons could be denied their project. Silins explained that as a neighbor, she had initially opposed the first plan but that the Alons had been willing to compromise and she supported their revised design and appealed to the fairness of the neighbors and City Council to support the project.

Cornelia Haber, La Cresta, questioned if purchasing a property forty-five years ago entitled a resident to stop all change. She supported the Alon design Option 1 (Exhibit A) and as an architect believed it was a beautiful design.

Jitze Couperus, Page Mill Road, stated that he did not reside on Lupine but lived in Lupine Acres. He suggested that the code was very specific about highly visible houses

and that it clearly states that a single story house may be required. Couperus encouraged the Council to support Option 2 (Exhibit B).

Resident, Natoma Road, wished to clarify for Council that Option 1 (Exhibit A) was three to six feet lower than the existing house. She supported Option 1.

Evan Wyth, Moon Lane, spoke in support of the applicants. He believed that standard, buildable lots should be treated the same. Wyth explained that he was Chair of the Town's Municipal Code and Policy Review Committee. The Committee had reviewed the Code and made recommendations to the Council for changes to remove the inconsistencies in land use policies and wording that could be misinterpreted. The recommendations were unanimously adopted by the Council. Wyth noted that during the Code review process, the Committee determined that a highly visible lot was one that was on a ridgeline or top of a mountain not an ordinary lot that was only highly visible to a few neighbors. The Committee felt that personnel preferences of architectural styles were very subjective and should not be incorporated into the Municipal Code. They believed that property rights would vary widely if decisions were not based on the Municipal Code as a common determinate, but on the activism of local neighbors.

Mary Davey, resident, addressed Council and explained that she has been a resident of Los Altos Hills since 1961 and served on the City Council during the 1960's and 1970's. She respectfully requested that the City Council deny the applicants' request for hearing and defer the project back to the Planning Commission. She believed that the new information that had been gleaned at this meeting regarding the roof material warranted a further review by the Planning Commission. Davey stated that she hoped the Council, as they reviewed new development as it came before them for their consideration, would embrace the opportunity to maintain the rural environment of the Town.

Tim Hamilton, Lupine Road, suggested that there should be an Exhibit C offered for the proposed project that would identify the lot as a highly visible lot. He thanked the Council for visiting the site. Hamilton did not believe that the artist's rendering was an accurate presentation of the mass, size and volume of the home. He favored a single story home but he could support Option 2 (Exhibit B) with the ten (10) foot height reduction.

Lynn Hamilton, Lupine Road, stated that she believed it would be easy to achieve the ten foot height reduction by lowering the ceiling heights of each level. She believed this was a reasonable request.

Ms. Lee, resident residing above the Alon property, offered that she had not had an opportunity to view the new roof proposal. She loved the rural environment of her neighborhood and Los Altos Hills and suggested that the proposed project would affect their quality of life. Lee requested that the Council consider the lot highly visible when making their decision. Lee would prefer a single story home but as a minimum could accept Option 2 (Exhibit B) with the ten (10) foot reduction.

Resident, Esperanza Road, encouraged the Council to be objective and approve the Alon's request for a new residence. He suggested that they had followed the Code and made the necessary changes to their design to accommodate the neighbors concerns.

Ms. Alon, daughter of applicant, read a statement into the record. She explained that this had been a very emotional process for her family. She loved Los Altos Hills and offered that there were many larger and more visible homes in the community. She questioned why their home needed to be reduced in height and pleaded for a fair decision and approval of Option 1 (Exhibit A).

Carol Gottlieb, resident and former Planning Commissioner, explained that when reviewing new homes, the Commission strove to have the home fit into the site and in the past required homes be reduced in height to help mitigate the home on the land. She noted that the flat roof added to the massive appearance of the home.

John Dukes, Lupine Road, explained that he was trying to protect the unique Los Altos Hills rural character of their quiet street and neighborhood. He did not believe that the proposed large columns of the house and the roof on a steeply sloping lot met the Town's requirements. Dukes suggested that the proposed structure did not fit the site as defined in the former Design Guidelines brochure and he preferred to see it returned to the Planning Commission for further review. He could support Option 2 (Exhibit B) with a few additional modifications.

Lynn Dukes, Lupine Road, stated that she had resided on Lupine Road since 1968. She offered that her neighborhood had a special rural nature. Dukes expressed her concern that the proposed new structure was too massive and would inhibit the view of the rolling hills and rural landscape and suggested that the home needed to be reduced in size. She supported Exhibit B which was in accordance with the Planning Commission's directives and believed it was the only one that addressed the bulk of the home.

Nancy Couperus, Page Mill Road, explained that her property was a part of the original Lupine Acres and considered this area her neighborhood. She believed that the massive size of the proposed home was not in character with the neighborhood and would impact all of the neighbors. Couperus noted that the Planning Commission had denied the project twice because the home did not follow the code and was not compatible with the surrounding environment. She supported Option B or a decision by Council to direct the project back to the Planning Commission because of the new roof element.

Mr. Joffe, Manuella Road, hoped that everyone would look at the bigger picture and resolve the conflict. He suggested that neighbors had too much power in the process and often abused this power.

Resident, Elena Road, supported the Alon project and questioned the weight that was given in the process to the aesthetic values of the neighbors.

Ms. Alon, daughter of applicant, addressed Council and asked that they please approve her home. She explained that she and her family had waited a long time to build their dream home.

Stan Field, project Architect, addressed Council. Field explained that he taught architecture at the University of California at Berkeley and had designed many homes including several homes in Los Altos Hills. He noted that he "lived architecture" and



considered it the furthest thing from tonight's discussion. His definition of architecture was the situational dynamic of the site and the client. Field suggested that the Alon design mirrored the form of the land and terrain and belonged on the site and that the home's columns were an integral design feature and structural component of the home. He displayed samples of the project's building materials to the Council.

Zvi Alon, stated that he enjoyed the neighborhood very much and planned to be a good neighbor. In response to several comments, Alon offered that he had never tried to hide the home's square footage and stated that the artist's rendering was a true representation of his proposal. He explained that Exhibit B would be substantially more expensive than his original Fast Track design and hoped that the Council would approve the original design or Exhibit A.

#### CLOSED PUBLIC HEARING

Councilmember Jones welcomed the Alon family to Los Altos Hills. He expressed his preference for Council making a ruling on the applicant's request tonight and not deferring the hearing back to the Planning Commission, offering that government should provide answers as quickly as possible especially when a resident was building a home because time was money. Jones explained that because there had been neighbor objections at the Fast Track level, the process called for a Public Hearing before the Planning Commission and this was appropriate, however endless reviews with an endless number of inputs should not be acceptable. Jones commented that he believed one of the key issues that needed resolution was how the design features that included the bay windows and columns would be calculated into the square footage, noting that if they were added to the maximum floor area (MFA), the home would be over the maximum allowable number for the lot.

Councilmember Warshawsky noted for members of the audience; this was the first site development permit that had been reviewed by Council in five years. He acknowledged that there were many different architectural designs and styles in Town. Warshawsky expressed his hope that a common ground could be found for this project and he supported Council making a determination tonight to allow the applicant to move forward. He concurred with Jones that the extra square footage from the architectural features should be considered and was amenable to a green roof but felt that a reduction of ten (10) feet was excessive.

Mayor Pro Tem Kerr concurred with Jones and Warshawsky and supported the Council taking action on the item at the meeting. He commented that he was of the opinion that the planning process was not broken and functioned well with the majority of projects. Kerr offered that former Councils approved many of the residences that were used as comparables by the applicant and the present Council was not bound by their actions and would review each project on its own merits. He suggested that he believed property values would not be hurt by a new five or six million-dollar project. Regarding the design, Kerr believed that the height was acceptable and suggested that technology be used to mitigate the effects of the house on the neighborhood and environment. He defined technology as: 1) the applicant's proposal for a green roof comprised of a combination of synthetic grass and solar panels and suggested that he would like to see enough solar panels to provide for twenty-five percent of the energy consumption of the

house; and 2) a reduction in light pollution emitted from the house. Kerr supported a condition of approval that would prohibit skylights and possibly a volunteer agreement from the applicants regarding transmission specs noting that this was not a currently a part of the Town's ordinances. He favored the air conditioning units and mechanical units being contained within the columns as shown in the plans, adding that this would mitigate the noise pollution and visual impact.

Mayor O'Malley expressed his belief that everyone in Town should be treated equally. Ordinances and rules ensure that applicants do not have to negotiate with neighbors and ensures that the neighbors could feel secure that something would not be built that does not met code. He supported Option 1 (Exhibit A) and recommended that the square footage of the columns be calculated in the floor area because they were different and added to the bulk but he would not include the bay windows because they had not been counted on any other project. O'Malley supported a green or black roof as a substitute for the gravel roof. In response to the discussion and comments that the lot was highly visible, O'Malley explained that when he had served on the Municipal Code Committee that defined the term, the consensus of the Committee was that a highly visible lot meant a lot on a ridgeline. They had not said exclusively ridgeline because that would have left to interpretation what ridgeline, so they added "highly visible and ridgeline" but they clearly did not mean a lot that sets in a valley. O'Malley noted that the home did not block anyone's view and reiterated that it was important for everyone to be treated the same during the planning process.

Council discussion ensued. Council consensus was for approval of Exhibit A with a reduction in the square footage by 560 feet, a green roof or the applicant's alternative roof of combination solar panels and synthetic grass and no skylights.

Planning Director Cahill clarified for Council that the grading requirement for Option 1 (Exhibit A) was a minor exception to the grading policy and was endorsed by the code when it was done to lower the profile of the house. Cahill noted that the retaining walls would be hidden by the front of the house.

City Attorney Steve Mattas read into the record the modifications to the conditions of approval for Option 1 (Exhibit A). Condition of Approval #6: The first sentence was deleted and replaced with "The roof enclosed by the parapet walls shall be a non-reflective material composed of a combination of synthetic turf and black solar panels and shall be subject to approval by the Planning Department upon consultation with the adjacent property owners to the north. The solar panels shall be designed to include approximately 800 square feet of panels in the roof design. The Planning Director shall have the discretion to modify the solar panel roof requirement. New additional conditions of approval included: 1) The size of the floor area proposed for the residence shall be reduced by 560 feet to account for the floor area associated with the buttresses/columns subject to verification by the Planning Director; and 2) If skylights were proposed by the applicant, the project would return to the Planning Commission for approval.

Council discussed the proposed motion with the project Architect and applicant. Zvi Alon, applicant, agreed to the modified conditions of approval for Exhibit A and stated so for the record.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed by the following roll call vote to approve the requested sited development permit for the new residence subject to the conditions of approval in Exhibit A identified in the March 17, 2005 staff report to the City Council with the following modifications:

Revised Condition of Approval #6: The roof enclosed by the parapet walls shall be a non-reflective material composed of a combination of synthetic turf and black solar panels and shall be subject to approval by the Planning Department upon consultation with the adjacent property owners to the north. The solar panels shall be designed to include approximately 800 square feet of panels in the roof design. The Planning Director shall have the discretion to modify the solar panel roof requirement. In addition, the color of all exterior surfacing materials including the wood/metal trellis materials shall conform to a light reflectivity value of 50 and be of an earth tone color chosen to blend into the visible hillside. A color sample of all roofing and exterior surfacing materials shall be first reviewed and approved by the Planning Department and subject to conferral with adjacent north/ south neighbors prior to acceptance of construction plans by the Building Department.

New Conditions of Approval:

- The size of the floor area proposed for the residence shall be reduced by 560 feet to account for the floor area associated with the buttresses/columns subject to verification by the Planning Director.
- If skylights were proposed by the applicant, the project would return to the Planning Commission for approval.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones and Councilmember Warshawsky

NOES: None

ABSENT: None

ABSTAIN: None

Councilmember Mordo recused himself from consideration of this item and did not participate in the vote.

10:45 p.m. City Council Meeting Recessed

10:55 p.m. City Council Meeting Reconvened

Council returned to open session and addressed the unfinished agenda items.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to adjourn to the Closed Session at 11:45 p.m.

## 12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Town of Los Altos Hills v. Los Altos School District

CLOSED SESSION: EMPLOYEE PERFORMANCE EVALUATION: CITY  
MANAGER: PURSUANT TO GOVERNMENT CODE SECTION 54957 (continued  
from March 3, 2005 City Council Meeting)

CONFERENCE WITH LABOR NEGOTIATOR(S): PURSUANT TO GOVERNMENT  
CODE SECTION 54957.6: AGENCY DESIGNATED REPRESENTATIVE:  
MAYOR/CITY ATTORNEY; UNREPRESENTED EMPLOYEE: CITY MANAGER  
(continued from March 3, 2005 City Council Meeting)

The City Council reconvened to the Regular City Council 12:00 a.m.

13. ADJOURNMENT

No action was taken.

There being no further business, the meeting was adjourned by consensus at 12:00 a.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the March 17, 2005 Regular City Council Meeting were approved as presented at the April 7, 2005 Regular City Council Meeting.